

EXHIBIT 1

September 1, 2020

Bryan P. Stirling
Director, South Carolina Department of Corrections
PO Box 21787
Columbia, SC 29210

Re: South Carolina Department ("SCDC") of Corrections Execution Protocols

Dear Bryan:

We represent three death row inmates whose cases are nearing the end of their judicial appellate review proceedings: Richard Moore, Brad Sigmon, and Khalil-Divine Black Sun-Allah (FKA Freddie Owens). Each of these individuals has been denied relief in the Fourth Circuit Court of Appeals and will be seeking review by the Supreme Court of the United States in the coming weeks and months. Given the low number of cases that receive Supreme Court review, it is likely one or more of our clients will have execution dates set in the late fall or winter.

In anticipation of these likely execution dates, we write to ask you to provide us with the following information, which is necessary for us to adequately advise our clients regarding their choice of execution method pursuant to S.C. Code § 24-3-530 and to fulfill our duties to provide them with adequate legal representation.

- The SCDC **lethal injection directive or protocol** (current and/or as proposed to be in place at the time of the upcoming executions) and related information, including, but not limited to:
 - The type(s) of lethal injection drug(s) to be used;
 - The supplier(s) and/or compounder(s) of the lethal injection drugs (and any supplier(s) of components to be used in compounding) and the date or dates on which the drugs were manufactured;
 - Information about quality control measures used to ensure the purity and efficacy of the lethal injection drugs, including the results of any tests or analyses performed on the drugs;
 - Information about storage and handling of the lethal injection drugs, including, but not limited to: all current and past storage locations; temperature controls in the storage locations and any vehicles used for transport; light control measures in the storage locations and any vehicles used for transport; the chain of custody for the drugs; and the job titles and qualifications of all personnel with access to the storage location;

- The expiration dates of lethal injection drugs to be used in the executions, including, if relevant, the expiration dates of any stabilizing compounds and the expiration dates of the active execution drug or drugs;
 - The mechanism or formula to be used for determining dosages and rates of drug administration for individual condemned men;
 - Whether and how SCDC medical or other staff will conduct physical examinations of the condemned men prior to execution to identify any possible issues in administering the lethal injection drugs (*i.e.*, IV placement concerns) and/or medical issues that could affect the efficacy and or pain caused by the lethal injection drug(s); and
 - Whether and how SCDC medical or execution staff will monitor the condemned men during the lethal injection process to ensure the lethal injection drugs work as intended, including whether observers will be provided a line of sight to the condemned men, and what, if any, remedial steps SCDC will implement if the execution process appears to be compromised or ineffective.
 - Whether and what measure will be taken to ensure that inmate's counsel or other representative present at an execution will be able to communicate with outside authorities, including court personnel, in the event the lethal injection process does not appear to be working as intended, to seek the intervention of these authorities.
- The SCDC **electrocution directive or protocol** (current and/or as proposed to be in place at the time of the upcoming executions) and related information, including, but not limited to:
 - Information regarding the current operability of the electric chair, including the dates and nature of any repairs, modifications, or upgrades to the chair since its last use; the location and condition of the storage facility where the chair has been housed since its last use; and the dates and nature of any examinations or inspections of the chair since its last use;
 - Information regarding the current intended to be administered, the voltage intended to be administered, and how such voltage will be administered and for what length(s) of time to the condemned men, and the safety measures taken to ensure the electrocution will not result in a substantial risk of severe pain to the condemned men;
 - Information regarding any testing or proposed testing of the electric chair since its last use, including: the nature of the tests (e.g. use of live mammals, any electronic or electrical testing equipment, etc.); the results of any testing including raw data; and details and results of any additional testing contemplated before use;
 - Whether and how SCDC medical or other staff will conduct physical examinations of the condemned men prior to execution to identify any possible issues in administering the electric chair and/or medical issues that could impact the efficacy of the electric chair;
 - Whether and how SCDC medical or execution staff will monitor the condemned men during the electrocution process to ensure the electric chair works as intended, whether and what the "back off" plan is should the process not work as intended; and what, if any, remedial steps SCDC will implement if the execution process appears to be compromised or ineffective.

- Whether and what measure will be taken to ensure that inmate's counsel or other representative present at an execution will be able to communicate with outside authorities, including court personnel, in the event the lethal injection process does not appear to be working as intended, to seek the intervention of these authorities.
- Information of the following as it relates to both lethal injection and electrocution execution protocols:
 - Job titles and numbers of personnel to make up the execution team, including the titles and number of any SCDC staff, the titles and number of any federal, state, and local law enforcement officers, and the titles and number of any individuals hired on a contractual basis;
 - The professional qualifications of the execution team;
 - All documents describing the functions that will be performed by SCDC staff and any contractors who will participate in the executions;
 - The level of training received by each member of the execution team;
 - Details of any training received and/or proposed for members of the execution team; and
 - The price paid for any lethal injection drugs or materials used in lethal injection or electrocution, or, if any materials are donated, the fact of their donation.
- The following information as it relates to COVID-19 and executions by lethal injection or electrocution in the custody or control of SCDC:
 - Any modifications to the protocols and/or witness access planned due to the COVID-19 pandemic;
 - All records that relate to COVID-19 testing statistics at Broad River Correctional Facility, including the number of tests administered to prisoners and staff; the statistical results of those tests; the dates the tests were administered; the number of staff who tested positive who are included in the execution team; and
 - All documents or materials pertaining to any contact tracing and other steps taken by SCDC to identify staff and prisoners who may have been exposed to individuals infected with COVID-19 before any planned executions.

Thank you in advance for your assistance in this matter.

Sincerely,



Lindsey S. Vann
Hannah L. Freedman
Justice 360

Joshua Snow Kendrick
Kendrick & Leonard, PC

Rob Lee
Attorney-at-Law

Counsel for Richard Moore

Counsel for Brad Sigmon

Counsel for Freddie Owens